

**Montpelier Planning Commission**  
**August 9, 2010**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

**Present:** Jesse Moorman, Chair; David Borgendale, Vice Chair; Tina Ruth, John Bloch, Alan Goldman and Bethany Pombar.  
Staff: Gwen Hallsmith, Director, Planning and Community Development.

**Call to Order:**

Jesse Moorman, Chair, called the meeting to order to 7:00 P.M.

**Review of Minutes for April 26, May 24 and July 7, 2010:**

Upon motion by Mr. Borgendale and Mr. Goldman the Minutes of April 26<sup>th</sup> and July 7<sup>th</sup> were approved on a unanimous vote. Upon motion by Mr. Bloch and Ms. Pombar the Minutes of May 24, 2010 were approved unanimously.

**Floodplain Zoning:**

Clancy DeSmet and she reviewed the floodplain regulations and the improvements and changes that came out are those which are required for the city to stay in compliance with the National Flood Insurance Program. There are a few things that are extra above and beyond what we are needing to do to stay in basic compliance and they don't yet have the recommendations that Rebecca Pfeiffer from the Agency of Natural Resources was working on that would get us extra points in the program to lower our flood insurance rates further. The short version of the program is the checklist which are minor changes adding "and floodplain" to different sections. There is one section where instead of having it flood proofed to the level of the floodplain the review that the League of Cities and Towns did adds an extra foot of free board which means the flood proofing and flood management is a foot above where the base floodplain is. That is the one really major issue in this version of the floodplain revisions that goes above and beyond what we are required to do to stay in compliance with the National Flood Insurance Program. It is Section 716 and it is the standards for development in flood hazard areas. Most of the other changes are just stuff they are required to do.

Mr. Moorman said we are required to go so many feet and the VLCT's review says to go an extra foot above that.

Ms. Hallsmith replied correct. For nonresidential construction new construction or substantial improvement of any commercial, industrial or other nonresidential structures shall either have the lowest floor including the basement elevated to at least one foot above base flood elevation, or together with a tenant utility and sanitary facilities be flood proofed so that at least two feet above the base flood elevation the structure is water tight with walls substantially and permeable to the passage of water. That is in Section 716.b. There is

another section in 716.a.8 that is not on the checklist. It says the lowest floor of new replacement and substantially improved structures, including residential and nonresidential structures or manufactured homes shall be at least one foot above the known base flood elevation. The use of fill to elevate structures is discouraged where other elevation measures that promote and maintain flood water waters, storage and conveyance are practical. What she would recommend thinking about with this provision is the lots in the downtown that are in areas where this would be rather difficult? There is an intersection of the floodplain regulations in the Historic District because the historic part doesn't allow us to have one story buildings in that particular part of town, but meanwhile the flood regulations require that you not have a basement.

Mr. Moorman asked if we were prohibiting the basement.

Ms. Hallsmith said no but the intersection of floodplain regulations and the historic regulations made it too difficult to locate a diner on that lot.

Mr. Bloch said it would also call into question whether you have handicapped access.

Ms. Hallsmith said there are ADA requirements. There are a lot of colliding requirements.

Mr. Moorman asked what the base flood elevation was.

Ms. Hallsmith replied it is like the 100 year flood line. For example, when the 1992 flood occurred, the energy plant they are working so diligently to replace was not inundated even though all of its boilers are downstairs, and partly because if you walk around the outside of that facility you notice you go upstairs to get in and then down. That is because the stairway puts that entrance to the building that water would go in above the base flood elevation. They had to run pumps and there was some risk of inundation, and there always will be because floods don't stop.

Mr. Moorman said he is interested in the rationale for having this go above the 100 year flood line.

Ms. Hallsmith said floods just don't just stop and it makes it more flood proofed and gives lower rates.

Mr. Moorman said he is questioning why they go above the 100 year flood mark.

Mr. Borgendale said it probably raises us up on the points and lowers insurance rates.

Mr. Bloch asked what the cost benefit is.

Mr. Borgendale said one of the things he heard at the Regional Planning Commission meeting is that the model regulations that show the baseline requirement in fact they are base line that this is the minimum required to meet the regulations, but it isn't and there are more in it than what the actual federal regulations require.

Ms. Hallsmith said what the regulations require is in the checklist. We should know if we choose to adopt the free board standard how many more points we'll get and how much closer we will get to reduced flood insurance rates for everybody and that is the thing that Rebecca Pfeiffer is still working on for us. She is trying to develop another set of model regulations that we could use to increase our flood insurance points to the point where we would go down on another notch on the flood insurance cost. One of the things that Rebecca Pfeiffer recommended in her letter to us is considering the use of more than one flood hazard area district that may be more appropriate given the downtown's historic standards and their greater exposure to flooding. It might make sense to require that extra foot of free boarding in one district and not in another because of some other considerations.

Mr. Borgendale said these would be separate districts that allow us to get better ratings in districts where it is feasible to have much stiffer requirements and not in others. That would seem to make sense. There is quite a spread between the point differentials. If we need another 200 points and can only get 150 we shouldn't do the 150.

Ms. Hallsmith said Rebecca also recommended that we take the minimum that is required now and this is what we will do now and take the other issues that increase our points in the flood hazard rating up as we do the comprehensive zoning revisions so we have two stages of considering the floodplain regulations.

Mr. Moorman said he would agree that the minimum requirements should be a pass through because we need them.

Ms. Hallsmith said it is worth understanding them because when issues come up that are controversial it is good to know what the rationale was for having them in the regulations.

### **Project Updates:**

**Multi-Modal Transit Center & District Energy Plant:** Both had a hearing last week on the environmental assessment that is being conducted on those facilities. The Department of Energy was in town as was Veolia to talk about it. A lot of people came out to hear about the projects and had some really good questions and suggestions from people. Last week we issued an RFP for the design, permitting and construction of the energy plant. They expect the proposals in by September 22<sup>nd</sup> and expect that City Council will use the results of that proposal to post the bond vote on November 2<sup>nd</sup>. She has had many calls and questions already about the RFP and has had several firms tell her they do plan to bid on it so that is

encouraging. It's a piece of work for them to produce because the way we structured it wasn't based on the design that was design as part of the feasibility study but rather based on performance specifications that we wanted the plant to meet. They are very grateful to the Biomass Energy Resource Center and Harold Garabedian and others who helped pull it together. The environmental assessment is being done on the combined facility which includes the energy plant and a room attached which could serve as a transit center. They are waiting for the outcome of the FEMA appeal before they put a lot into the transit center side. They should know within a week or two on the FEMA appeal.

Mr. Moorman said with the Carr Lot proposal there was an environmental assessment already done so that would be all set if the appeal works out.

Ms. Hallsmith replied no, there are actually still pieces that need to be done on the Carr Lot project, and that is another project update.

**Carr Lot Update:** They had a meeting with the Federal Highway Administration because we have not yet cleared FONSI in the federal highway portion of the Carr Lot project. FONSI stands for Findings of No Significant Impact. It is the outcome of the environmental assessment process if you actually have no big impacts and/or mitigated the ones you do have. When FTA found that the lot was designated as a floodway they went withdrew the FONSI ruling and FHWA had never given us the FONSI ruling, partially because we had not yet safely landed the bike and pedestrian path on the other side of the bridge. With this new train development that gives us an opportunity to land the bike and pedestrian path on the other side of the bridge and create a corridor through there that will work for bikes, pedestrians and cars to mitigate what is going on with the train right now, which is essentially stopping all traffic through that little section of town. That would involve taking out the Montpelier Beverage building and the Association for the Blind, but since both of them are being very negatively impacted by the train, and in fact losing their parking and access almost entirely as well as the city losing its access to the rear of those buildings, they are open to working with the city to make something else happen there. That is what they proposed to the Federal Highway Administration, that we take those buildings and put the bike and pedestrian path through the area that those buildings currently occupy. That is where it would go right through the Association for the Blind and the M&M Beverage, and they have agreed that would work as part of the Carr Lot project but that involves also doing some environmental impact assessments on that side of the river and doing design work and site planning there. Once we get that done we might be to the FOSI moment again with federal highways. The point in time when Federal Transit might be willing to consider that again is if and when we win the appeal with FEMA. If we don't win the appeal with FEMA we will never have FONSI to do the Transit Center on the Carr Lot.

Mr. Moorman asked if the Carr Lot was dead if we lose the appeal.

Ms. Hallsmith said not exactly, not the way the City Council voted on it last week to take it for a parking lot. Even with a floodway designation it can be used for a parking lot, a park and a bike path which it is what it is currently designated to be used for. It just really can't be used for a transit center. The goal of the appeal is to move the floodway line over so we can still fit the transit center in there, and that may well happen in which case the project would move forward as planned. It's quite complicated. Now we are looking at the other side of the river and have started to mobilize the consultants to do that work, but it is a piece of work to develop the site plan for that side of the river.

Mr. Moorman asked who owned the buildings.

Ms. Hallsmith said the Vermont Association for the Blind owns the building right on the river front. The Mowatt Trust owns the building that the beverage center is in.

Mr. Moorman said if they put down a pedestrian bridge parallel to the train bridge which is there, to the north of it, would that be a step towards linking the Taylor Street and Stone Cutters Way bike path?

Ms. Hallsmith replied yes.

Mr. Moorman said it sounds like to him that the path would actually an S curve once over the track and once back over the track. Would that be a problem?

Ms. Hallsmith said when it comes in from Taylor Street it is on the river side of the track. It then comes along the river, curves up the North Branch, crosses the tracks and then the bridge is planned for the up river side on the North Branch coming across. From there the bike path technically goes down Barre Street. It doesn't go straight to Stone Cutters Way. It goes down Barre Street as far as the Rec Center and then there is another grade level crossing behind the Rec Center with a fancy gate. Then, it picks up on Stone Cutters Way. Our goal bringing the bike and pedestrian path across the river and through that area is to get it through that area and across Barre Street safely. Barre Street and Main Street is not a great intersection either. She imagines the new phase of the project will also involve intersection improvements, including signalization at that intersection because that would make it safer for the bikes and pedestrians to get across Barre Street and continue up Barre Street to the place where it crosses the tracks again. That would actually make it safer for the trains. If they are really bringing the trains through there like they are talking about we are likely to see those kind of arm train crossings go in at Main Street and the light at Barre and Main would be coordinated with those and coordinated with the light at Main Street and Memorial Drive so it would be safer for every crossing. She is working on a federal grant to HUD and DOT to expand the planning and implementation there because it is likely the Carr Lot money will only go so far.

Mr. Moorman asked if the federal people are involved with the railroad.

Ms. Hallsmith said it is state owned and federally regulated so we don't have a lot of say in what happens to the railroad project.

Mr. Moorman asked if there had been any looks at the traffic impacts of the railroad.

Ms. Hallsmith replied they would be significant. They are just using the train track as it was designed. It's not a new development but just an increased use of an existing transportation corridor and there have been a lot of incursions while that transportation corridor has been dormant, but it's still a train track. There is nothing new there except the increased volume of traffic.

Ms. Ruth asked if they were still at a beginning level or at the full level they are going to be on train traffic.

Ms. Hallsmith said she has not seen the size cars and the speed that they planned to come through there happen yet. They have been talking about bigger cars and longer trains and heavier loads with higher speeds and putting up a fence right up along M&M's wall and Shaw's. There is actually a corner of the Shaw's Market in the railroad right-of-way, and of course all of M&M's parking. The bank's drive through is an incursion. It's a mess through there.

Ms. Pombar said she wonders what the impact of the traffic is going to be and putting a light at the corner of Barre Street. She sees some really bad case scenarios where people are going to get stuck on the tracks.

Mr. Moorman asked if he understands this is just a hauling project for a limited duration for 3 to 5 years for a project in Florida.

Ms. Pombar replied right.

Mr. Moorman asked how we stay updated on what their plans are. Is there any channel of communication? Do they plan to update the municipality in any way or keep us apprised of what the status is?

Ms. Hallsmith said there have been a lot of conversations with City Councilors and with the City Manager. She isn't actually part of them so it isn't her they are communicating with. There is some, but it certainly could be improved.

Mr. Moorman asked if the City Council was being kept up to date.

Ms. Hallsmith replied yes, as much as the city is. There is a lot of room for improvement with communication.

Mr. Borgendale said it is going to be interesting when the Legislature is in session and all of the legislators coming from southern Vermont and from Burlington are sitting on Memorial Drive for half an hour waiting for the train to go by. He has a sneaking suspicion that the state's perspective on the train is going to change a whole lot.

Ms. Hallsmith said one of the bright spots of the whole train problem is that it may make it easier to reintroduce passenger rail back and forth between Barre and Montpelier, which most people would really like. If we were talking about passenger rail service we wouldn't be hearing as much complaining as we are with the big granite trains. They have to upgrade the rails to do this, but that is really shortsighted.

Mr. Moorman said that doesn't make sense to him because they are going to be hauling umpteen million ton blocks and it seems like the load rating of the rail would be great.

Ms. Hallsmith said there is a piece of track in the western side of the state that is being upgraded for passenger service and they are going to use that track to upgrade this freight line, but it won't be passenger rated but freight weighted. It is a big expensive upgrade that needs to be done.

Ms. Ruth asked who pays for the upgrade.

Ms. Hallsmith replied the state does. They have talked about running a new rail through Sabin's Pasture if the bridges aren't strong enough. Both the North Branch bridge and the bridge out by the roundabout are the two bridges that may not be strong enough for the loads they are projecting.

**Senior Center:** The Senior Center is having a meeting tomorrow about the facility. That project is moving along. We obviously are waiting for the final word on the insurance that the city will receive for the fire at the building.

**Turntable Park:** I believe that project should be starting construction soon. They are hoping to have Turntable Park done this year. The Salt Shed is currently owned by the Pyralisk and is being sold to Fred Connor. It is a condemned building. The snow load a few years ago damaged its structural integrity so it is under orders to be torn down. There are also PCBs still in that building. It is a hazard.

**Master Plan:** The Master Plan is coming up for hearings August 25<sup>th</sup> and September 8<sup>th</sup>.

Mr. Bloch asked what was the informal feedback she is receiving back from the City Council.

Ms. Hallsmith replied very little.

**REACH Program:** The REACH Program is going well. They expect to be doing orientations for new members in the next few weeks.

**Adjournment:**

Upon motion by Mr. Borgendale and Mr. Bloch the Planning Commission adjourned at 7:49 P.M.

Respectfully submitted,

Gwen Hallsmith, Director  
Planning and Community Director

Transcribed by: Joan Clack